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FREEDOM AND
THE INTELLIGENCE FUNCTION

Agencies Are Held Accountable by the Press, the President, and Congress

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"Freedom and the Intelligence Function" is an appropriate topic for our gathering and for our country to discuss. Never before, perhaps, in the history of our country, has good intelligence been so vital to our freedom.

Look, for instance, at our economic freedom, our right to earn a living as we choose. Look back thirty-two years to when the Central Intelligence Agency was first organized. At that time our nation's economic freedom was unlimited. Perhaps the only limitation was how much of our largesse we were going to give away, to share with less privileged nations of the world.

Look at how different it is today. In the first six months of this year, we had a balance-of-payments deficit of ten billion dollars. We import forty-six per cent of our oil, twenty-two per cent of our energy. Under these circumstances, we simply must go out and compete in the world market. We must sell our goods in order to pay for our imports. So we must understand what is going on in the rest of the world. We must know where the markets are. We must understand whether there is going to be political stability long enough in this country or that to make investments. We must be able to tell whether competitors are practicing unfair trade practices. And if we are going to be interdependent economically, as we surely are, we must understand the basic political and economic motivations and intentions of countries all around the world. This requires good intelligence.

You may ask, why do we have to gather this kind of information in that mysterious process called intelligence? If this were an open world of uncontrolled societies, such as ours, we would not have to do that. But look back just a half-dozen years to what we call the "great wheat steal of 1972." The mere lack of basic unclassified economic data cost you and me. We did not have the information about the Soviet wheat situation.

Look at our political freedoms and how much more dependent they are today. Our right to vote for our representatives; our right to defend our position in the international political arena without being pressured or trammeled by others — these depend much more on good intelligence today. Thirty-some years ago, most of the free democratic nations of the world took their international political cues from us. Today, in the United Nations, the newest, the smallest, the least powerful nation in the world acts independently. Probably the last thing it wants to do is be seen voting with one of the superpowers. In fact, these nations now form blocs — "the 77" and so on — to maintain this sense of political independence. If we are going to protect our nation's interests and those of the free world in this kind of a political environment, we must know and understand the cultures, the attitudes, the intentions, the plans of countries all around the globe. And that, too, requires good intelligence.

Look at our freedom from physical oppression, or even from threats of violence by military force, and how much more dependent that is today on good intelligence. Thirty years ago, we were the dominant military force in the world. The only thing we had to do to keep that position was spend the money required to maintain our military establishment. How that has changed! We are at near military parity with the Soviet Union, and there has been wide proliferation of sophisticated weapons to many other countries with whom we might become involved, directly or indirectly. Under these circumstances it takes more than just money to do the job we need to do. Where you do not have a large margin of military superiority with respect to the Soviets, or where brute force or military bulk will not do the job with respect to smaller military problems — as we so well learned in Vietnam —, you need to be smart. You need to understand the characteristics of enemy weapons. You must understand the enemy's military tactics. You need to have insight into their intentions. And all this surely constitutes the field of intelligence. So our intelligence is of greater importance today for our freedom than ever before.

But if we are to have equal or better intelligence today, we must — perhaps unfortunately — have something else. We must have a sufficient level of secrecy to do our work adequately. Again, if this

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were the best of all possible worlds, if other societies were as open and as uncontrolled as ours, we would not need to spy. But that, of course, is not the case. We must have some secrecy to protect the ways in which we get the information necessary to protect our freedoms. However, secrecy, in itself, possesses the seeds of danger for the very freedom we seek to defend. Secrecy begets unidentified power. Power in any form is subject to abuse. Unidentified power has particular potential for abuse.

Our problem, as a nation, is how to have a satisfactory, competent intelligence function and also have an insurance against abuse. Perhaps the only point on which I agree with Professor Emerson is that the way to do that is to have accountability. I endorse that one hundred per cent. Today, we have forged links of accountability between the intelligence community and you, the public, as well as between the intelligence community and the executive and legislative branches of our government. Our task is to insure that these constraints of necessary and desirable accountability do not, at the same time, so shackle our intelligence capabilities that we cannot provide the information in the economic, political, and military spheres that is vital to our freedom.

What are the standards of accountability? Are we meeting them today in a way that will allow us to handle the tasks of intelligence?

First, with respect to the American public, accountability to and oversight by the American public were out of the question in the past because not enough information was available. We have had all kinds of public revelations and investigations in recent years. We now have a Freedom of Information Act. There is a much larger body of information from which the public can judge how we are performing. Also, for several years, we have had a policy of greater openness. We are responding to the media more. We are participating in public events like this one today. We are publishing more. We are taking the product of our intelligence and, where possible, declassifying it, making it more available to the American public. On top of this, we always have, as one of the public's greatest assets in holding intelligence accountable, a free press in our country.

There are, however, problems and contradictions. What is known to the press is known to the potential enemy. Unlike a court, the press can find you or me guilty through accusation alone. The power to accuse in the public press is a profound power, one that is just as subject to abuse as any other power. That is a particular problem for intelligence because the press — at least we hope — is never going to know all of our secrets. Therefore, when it publishes or broadcasts criticisms of our intelligence function, it must do so on the basis of incomplete information. That is a severe challenge for the media, and for us, too.

But we and the press have something in common. We both need to protect our sources of information. No newsman and no intelligence officer can survive over the long run if his sources are constantly compromised. Unfortunately, from my point of view, the media frequently do not recognize this commonality with us. A few months ago one of our Washington newspapers had a front-page story which roundly criticized the Central Intelligence Agency for failing to release the information necessary to prosecute two former International Telephone and Telegraph Company officials for alleged perjury before Congress. Next to it was another story about the trial in New Jersey of a *New York Times* reporter who refused to adduce his notes in a murder trial where a defendant said they were necessary for his exoneration. The reporter never did produce his notes. There is not in this country today adequate public recognition of the fact that a given level of secrecy is necessary if we are going to perform our legal function.

Let me move on to the second area of accountability, the executive branch. There are numerous mechanisms here for checking on and holding intelligence accountable. I will focus only on those centered around the Presidency. Today, a President is much less able to claim plausible deniability when an intelligence activity becomes public. Today, the President must approve in writing any covert action that is to be conducted. The President is kept posted on sensitive intelligence undertakings, and the President supports a policy of maximum disclosure to our oversight committees in the Congress.

Also, the President has an Intelligence Oversight Board — three gentlemen from outside the government: former Senator Albert Gore, former Governor William Scranton, and Thomas Farmer of this city. These gentlemen are empowered, by the President only, to investigate the legality and propriety of intelligence activities. You, or any member of the intelligence community, may communicate directly with these people. They will investigate the accusations and report their findings only to the President.

The third form of accountability is with the legislature. This is very important; it means that both the legislative and executive branches of our government are separately and independently obtaining the same information on which to judge us. For two and a half years we have had a committee dedicated solely to this purpose in the Senate. In the House of Representatives there has been a committee for a year and a half. Our relationship with them is one of cooperation. I find them very helpful to me. But let me assure you at the same time it is a relationship of oversight. They are conscientious and very rigorous in overseeing our activities. I report to them regularly and in great detail. This is a stark contrast with the past when intelligence oversight from the Congress was vested in two or three key members of one or two committees.

I will sum up by saying that today we must have good intelligence, but at the same time we must insure against the potential abuse which secrecy contains. The best way to do that is through accountability.

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But accountability must permit sufficient latitude to perform the basic functions necessary to protecting our freedoms. If, by accountability, you mean a straitjacket into which every minute operation we conduct is to be tied, you will quickly bring the intelligence activities of our country to a halt.

Let me give you one example of how easy it is to over-control. We did this to ourselves. The Central Intelligence Agency ruled that we would not have any paid contractual relationship with any accredited member of the U.S. media. I was in office only a few months when I received a letter from the American Translators Association. Why, they asked, had we fired all those part-time stringers who were doing unclassified translations for the totally open Foreign Broadcast Information Service in their spare time? It made no sense whatsoever. Fortunately, it was a rule and not a law. I was able to undo that injustice easily. At that same time I put a new proviso in that rule. The bottom line said, ". . . exceptions may be made to this rule upon the express approval of the Director of Central Intelligence. . . ." Some of you will say that is no rule at all. It can be violated over and over again. Yes, it can, but if it were, I would not get away with it. I am held accountable by the media themselves, first, let alone by an Intelligence Oversight Board, by a President, and by two committees of the Congress. That to me is the essence of how accountability works.

There must be rules, but, where necessary, the rules must be flexible, and the flexibility must be backed up by accountability. There must be a careful balance between enough oversight to insure against abuse, but not so much as to tie our hands into inutility. Have we achieved that balance? I do not know. It is too early to tell. It will be several more years until we enact the charters Professor Emerson referred to, and which I strongly support. We will not know until then if we have found that right balance.

We are moving in the right direction. Never before has a major intelligence organization been subjected to the degree of accountability we have today. I think it is good. It is building a model of intelligence uniquely suited to the values and the standards of the United States. At the same time, we must not lose sight of the need to insure that we can do what you have asked us to do and what it is necessary that we do on your behalf in defense of the freedom of our country.

DCI TURNER SPOKE BEFORE the William O. Douglas Inquiry 7 December 1978. Center For Study of Democratic Institutions Reprinted this speech in their Magazine, Center.

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